

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILIP YOUTIE : CIVIL ACTION  
: :  
v. : :  
: :  
MACY'S RETAIL HOLDING, INC., and : NO. 07-3182  
MACY'S, INC. : :

ORDER

AND NOW, this 10th day of September 2009, upon consideration of defendants Macy's Inc. and Macy's Retail Holdings, Inc.'s motion for summary judgment on their counterclaims (D. No. 68) and plaintiff Philip Youtie's response thereto, plaintiff's cross-motion for summary judgment on defendants' counterclaims (D. No. 74) and defendants' response thereto and the supporting and supplemental briefs, and for the reasons set forth in the accompanying memorandum of law, it is ORDERED that:

1. Plaintiff's motion for summary judgment on defendants' common law counterclaims of misappropriation of trade secrets and/or confidential and proprietary information, breach of fiduciary duty and duty of loyalty, unjust enrichment and unfair competition with regards to plaintiff's request and disclosure of "first cost" data is GRANTED. Accordingly, defendants' motion for summary judgment on their common law counterclaims of misappropriation of trade secrets and/or confidential and proprietary information and breach of fiduciary duty and duty of loyalty with respect to plaintiff's request and disclosure of first cost data is DENIED.
- 2 Defendants' and plaintiff's motions for summary judgment on defendants'

counterclaims under the Pennsylvania Uniform Trade Secrets Act (PUTSA), 12 Pa. Cons. Stat. Ann. § 5301, et seq. (2004) are DENIED. The Court will schedule a trial date.

2. Plaintiff's motion for summary judgment on defendants' requests for injunctive relief, exemplary damages, attorneys' fees and costs under Federal Rule of Civil Procedure 54, declaratory relief, and an extension of the confidentiality agreement is GRANTED. Accordingly, defendants' motion for summary judgment on such requests is DENIED. Defendants' and plaintiff's motions for summary judgment on all other requests by defendants for relief are DENIED.

/s/ THOMAS N. O'NEILL, JR.  
THOMAS N. O'NEILL, JR., J.